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Raj Abhyanker

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

NEXTDOOR.COM, INC., a Delaware corporation,

Case No. 3:12-cv-05667-EMC

Plaintiff,

vs.

RAJ ABHYANKER, an individual,

Defendant.

**DEFENDANT RAJ ABHYANKER'S
STATEMENT OF NON-OPOSITION TO
COUNTERDEFENDANTS' MOTIONS TO
DISMISS AND STATEMENT OF INTENT
TO FILE FIRST AMENDED ANSWER
AND COUNTERCLAIMS BY APRIL 8,
2013**

Date: May 9, 2013

Time: 1:00 p.m.

Courtroom: 5

Judge: Honorable Edward M. Chen

RAJ ABHYANKER, an individual,

Counterclaimant.

VS.

NEXTDOOR.COM, INC., a Delaware corporation; PRAKASH

JAÑAKIRAMAN, an individual;
BENCHMARK CAPITAL PARTNERS
VII, L.P., a Delaware limited partnership;
BENCHMARK CAPITAL
MANAGEMENT CO. VII LLC, a
Delaware limited liability company;
SANDEEP SOOD, an individual;
MONSOON COMPANY, an unknown
business entity, and DOES 1–50, inclusiv

Counterdefendants.

1 On January 10, 2013, Defendant Raj Abhyanker (“Abhyanker”) filed his Answer and
 2 Counterclaims. (PACER Document No. 16.) In response, on March 15, 2013,
 3 Counterdefendants Nextdoor.com, Prakesh Janakiraman, Benchmark Capital Partners VII, L.P.,
 4 Benchmark Capital Management Co. VII LLC, Sandeep Sood, and Monsoon Company each filed
 5 motions to dismiss. (PACER Document Nos. 38, 40, and 46.) In addition, Nextdoor.com and
 6 Prakesh Janakiraman’s combined Motion to Dismiss also included a request to strike
 7 Abhyanker’s affirmative defenses. (PACER Document No. 38.)

8 Pursuant to Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure (“FRCP”),
 9 Abhyanker is entitled to amend his Answer and Counterclaim once as a matter of right within 21
 10 days of the motions to dismiss filed by the Counterdefendants. In this regard, even though
 11 Abhyanker’s opposition to the motions would be due today (14 days after the motions to dismiss
 12 were filed), the law is clear that Abhyanker is entitled to 21 days to amend his pleading. FRCP
 13 15(a)(1)(B); *Diamond State Ins. Co. v. ATB Sales Ltd.*, 2012 U.S. Dist. LEXIS 12048, at *15
 14 (N.D. Cal. 2012); *Bernardi v. JPMorgan Chase Bank, N.A.*, 2012 U.S. Dist. LEXIS 12822, at *11
 15 (N.D. Cal. 2012). Therefore, Abhyanker is entitled to file his amended pleading by April 5, 2013,
 16 21 days after the Counterdefendants filed their motions to dismiss on March 15, 2013.

17 However, because Counterdefendants served their motions by ECF (and one
 18 counterdefendant served by mail in addition to serving by ECF), Abhyanker’s time to file his
 19 amended pleading is extended by three calendar days. FRCP 5(b)(2)(E); FRCP 6(d); *Richardson*
 20 *v. Air Serv.*, 2012 U.S. Dist. LEXIS 48553, AT *9-10 (D. Idaho 2012); *Fox v. City of Sacramento*,
 21 2011 U.S. Dist. LEXIS 108797, at *5 n.2 (E.D. Cal. 2011). Accordingly, Abhyanker’s time to
 22 amend his pleading is extended by three days from April 5, 2013 to April 8, 2013. Abhyanker
 23 will file his amended pleading on or before April 8, 2013.

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1 Dated: March 29, 2013
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Respectfully submitted,
LEGALFORCE RAJ ABHYANKER, P.C.

4 By /s/ Bruno W. Tarabichi

5 Bruno W. Tarabichi
Kuscha Hatami
6 Attorneys for Defendant
Raj Abhyanker

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